

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAMON JONES,)
Plaintiff,) Civil Action No. 06 - 1209
v.) Judge Terrence F. McVerry
LORI LAPINA, Physician Assistant;) Magistrate Judge Lisa Pupo Lenihan
STANLEY FALOR, Physician; and JOHN or)
JANE DOE, Medical Records Supervisor,)
Defendants.)

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (ECF No. 1) on September 13, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Following remand from the Court of Appeals for the Third Circuit, on October 18, 2010, the magistrate judge filed a Report and Recommendation recommending that the Motion to Dismiss the Complaint filed by Stanley Falor and Lori Lapina (as supplemented by their Reply Brief filed on February 11, 2010 (ECF No. 55)) be granted (ECF No.67). Plaintiff filed Objections to the Report and Recommendation on November 4, 2010 (ECF No. 69). Plaintiff's Objections do not undermine the recommendation of the magistrate judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of November, 2010;

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendants Falor and

Lapina (ECF No. 20), as supplemented by their Reply Brief filed on February 11, 2010 (ECF No. 55) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Substitute an Executor or Administrator for Defendant Stanley Falor, M.D., Because of His Death (ECF No. 65) is **DENIED** as moot .

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 67) dated October 18, 2010, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/ Terrence F. McVerry
United States District Judge

cc: Damon Jones
AY-2983
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